

UNITED STATES DISTRICT COURT
 for the
 District of South Carolina

Division

JAMES PALMER

Case No. 2:24-cv-04078-BHH-MHC

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

**U.S. WATER SERVICES CORPORATION, PHIL
 REEVES, DEAN COLKIT, ZACHARY CAIN, KEVIN
 SCHEW, AND JAMEE HAINES**

Jury Trial: *(check one)* Yes No

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	James Palmer
Street Address	140 Pilos Rd
City and County	Hemingway, Williamsburg County
State and Zip Code	SC 29554
Telephone Number	843-687-5304
E-mail Address	jamespalmer5304@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title *(if known)*. Attach additional pages if needed.

Defendant No. 1

Name	U.S. Water Services Corporation
Job or Title (<i>if known</i>)	
Street Address	1506 Bushy Park Rd
City and County	Goose Creek, Berkeley County
State and Zip Code	SC 29445
Telephone Number	(727) 848-8292
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	Phil Reeves
Job or Title (<i>if known</i>)	Lead Supervisor
Street Address	1506 Bushy Park Rd
City and County	Goose Creek, Berkeley County
State and Zip Code	SC 29445
Telephone Number	(727) 848-8292
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	Dean Colkit
Job or Title (<i>if known</i>)	Production Supervisor
Street Address	1506 Bushy Park Rd
City and County	Goose Creek, Berkeley County
State and Zip Code	SC 29445
Telephone Number	(727) 848-8292
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	Zachary Cain
Job or Title (<i>if known</i>)	Mangaer
Street Address	1506 Bushy Park Rd
City and County	Goose Creek, Berkeley County
State and Zip Code	SC 29445
Telephone Number	(727) 848-8292
E-mail Address (<i>if known</i>)	

B. The Defendant(s)

Defendant 6

Name Kevin Schew
Job Title Resource Manager
Street Address 1506 Bushy Park Dr
City and County Goose Creek, Berkeley County
State and Zip Code SC 29554
Telephone 727-848-8292
Email

Defendant 7

Name Jamee Haines
Job Title Human Resources Director
Street Address 4939 Cross Bayou Blvd
City and County New Port Richey, Pasco County
State and Zip Code FL 34652
Telephone 727-848-8292
Email

III Statement of Claim

E The facts of my claims are as follows.

1. Phil and Dean would ask Plaintiff derogatory questions about black people, make violent comments about using weapons on black people.
2. In the company's control room, Dean called the Plaintiff a black monkey. When Plaintiff made Dean aware of feeling disrespected, Dean warned him that he would become his boss after U.S. Water Service Acquisition, further alluring that he will have the power to potentially fire the plaintiff because they didn't want any "n-word" working in their company. Dean further warned

the Plaintiff that Kevin Shew who was the Resource Manager, and Jamee Haines, the Human Resource Director would support his decision to fire the plaintiff because they didn't want any "n-word" working in their company.

3. After company acquisition Dean immediately started to use his position as the Plaintiff's supervisor to terrorize him and further increased his racial insults, creating an extremely hostile environment.
4. In or around January 2022, while in the control room, Dean instructed the Plaintiff to close his eyes and hold his hand out. The plaintiff, after much apprehension, did as was told. Dean placed two bullets in the Plaintiff's hands, telling him he was testing his ex-cop's skills to see if he the Plaintiff would be able to distinguish the bullets with his eyes closed.
5. Phil, a Lead Operator would refer to the Plaintiff as a big black slave and would often order the Plaintiff to perform his Lead Operator duties. Although, the Plaintiff was a wastewater operator working under Phil. The Plaintiff was the only employee that Phil requested to do his Lead Operator tasks. Phil's stated his reason for only using the Plaintiff was because he was black and that his white counterparts weren't related to slaves.
6. On many occasions, Phil would remove screws from valves, disconnect the Plaintiff's air hoses from his truck, which could lead to serious physical injuries to the Plaintiff.
7. In or around March 2022, the racial attacks by Dean intensified to the point where the Plaintiff wrote an email to Dean Colkit, Zachary Cane, Jamee Haines, and Kevin Schew to complain about the severe racial attacks received by Dean Colkit. Kevin Schew, the Resource Manager responded to the Plaintiff's email by requesting him to write a formal complaint to him and Jamee Haines, the Human Resource Director.
8. The management and most co-workers, who were all white, then started to ignore the Plaintiff after writing the requested formal complaint to Kevin and Jamee.

9. The Plaintiff became so isolated that when his relief for his shift would show up, he wouldn't know due to the lack of communication amongst management and co-workers. Therefore, making it harder for the Plaintiff to perform his tasks.
10. In or around February 2022, a white colleague complained to the Plaintiff about his wages. The colleague showed the Plaintiff his payrate, which was \$1 more than his. The colleague was unlicensed and less experienced. However, he made more than the Plaintiff who possessed a C License and had 4 years' experience as a wastewater operator.
11. The Plaintiff approached Zachary about the unfair wages and was then directed to Kevin Schew. Kevin made excuses as to why the Plaintiff wasn't receiving fair wages and made empty promises about increasing his wages. Kevin further requested the Plaintiff to do more than his white counterparts to be able to get a pay increase.
12. After the Plaintiff reported the discrimination as directed to Kevin and Jamee, the Plaintiff's work ethic was critically scrutinized, although receiving consistent good work reviews prior to reporting discrimination.
13. In or around April 2023, the Plaintiff was alerted by a guard that there was an incoming lime truck. The Plaintiff realized that the area in which the truck would need to unload was being blocked by a sludge trailer. Phil who was aware of the immediate need and had full knowledge that the Plaintiff was going to move the trailer, asked the Plaintiff to fill out paperworks. The Plaintiff told Phil that he couldn't at the moment as there's an immediate need to move the trailer to enable the lime truck to unload. Upon returning Phil told the Plaintiff that Dean wanted to see him upstairs. When the Plaintiff went upstairs to Dean, he was asked about his PTO time. Dean then proceeded to yell at the

Plaintiff, telling him that whatever Phil tells him to do, he better do. Dean, then further continued to speak in a hostile manner to the Plaintiff. He made false statements that all the workers heard him tell Phil no and then instructed the Plaintiff to go into the conference room. Once in the conference room, Dean falsely accused the Plaintiff of sleeping on the job, stating that he had pictures of the Plaintiff sleeping, and that the Plaintiff isn't doing his job. The Plaintiff became frustrated and immediately emailed Jamee and Kevin with his concerns and requesting a meeting. Jamee and Kevin said that they would investigate.

14. At the conclusion of the investigation, Jamee and Kevin disregarded the Plaintiff's concerns. Instead, Jamee and Kevin pulled files from the company's work logbook from months prior and were overly critical of how the Plaintiff logged work details in the book. They then accused the Plaintiff of being defiant and insubordinate.
15. Both Dean and Phil informed the all-white workers of the complaints of discrimination made by the Plaintiff. They encouraged all-white workers not to speak to the Plaintiff.
16. The Plaintiff complained to Zachary about the retaliation and discrimination within the workplace. Zachary would refuse to get involved and then direct the Plaintiff back to Dean, knowing that Dean was part of the problem. The Plaintiff would then direct his issues back to Kevin and he always dismissed the Plaintiff's concerns and turned the issue back onto the Plaintiff.
17. The Plaintiff attended his daughter's graduation, but then realized he wouldn't be able to make it into work. The graduation went over the scheduled time making it impossible to show up to work. The Plaintiff got in contact with Dean who assured him it was ok and that he would cover the shift. Further stating that it wasn't a problem and that he

understood that it was graduation season. However, the Plaintiff was reprimanded by Kevin upon his return to work. Kevin mentioned the Plaintiff's prior complaints during and stated that he will be punished as long as the Plaintiff kept filing complaints.

18. A few days after the Plaintiff was reprimanded, Kevin emailed the Plaintiff a Development Plan, Performance Improvement Feedback, Reprimand for uncovered shift, U.S. Water's PTO Policy, and a Summary Email from Zachary Cain. The Plaintiff replied to the email addressing the hostile work environment, the retaliation, Kevin and Jamee's lack of action, his distrust for them both, and that he would direct all matters to the Senior Vice President, Kenneth Jones.
19. On June 7, 2023, the Plaintiff received a letter of termination and General Release Statement. The General Release Statement included an offer of \$10,000 and a proposal not to sue.
20. Jamee Haines proceeded to call the Plaintiff weeks after the termination to convince him to sign the General Release Statement.

V. Relief

- A. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein violate the laws of the United States and the State of South Carolina.
- B. An injunction and order permanently restraining Defendants from engaging in such unlawful conduct.
- C. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all monetary and/or economic damages, including, but not limited to, the loss of past and future income, wages, compensation, job security and other benefits of employment.

- D. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for all non-monetary and/or compensatory damages, including, but not limited to, compensation for his severe mental anguish and emotional distress, humiliation, depression, embarrassment, stress and anxiety, loss of self-esteem, self-confidence and personal dignity, and emotional pain and suffering and any other physical or mental injuries.
- E. An award of damages in an amount to be determined at trial, plus prejudgment interest, to compensate Plaintiff for harm to his professional and personal reputation and loss of career fulfillment;
- F. An award of damages for any and all other monetary and/or non-monetary losses suffered by Plaintiff in an amount to be determined at trial, plus prejudgment interest;
- G. An award of punitive damages;
- H. An award of costs that Plaintiff has incurred in this action, as well as Plaintiff's reasonable attorneys' fees to the fullest extent permitted by law; and
- I. Such other and further relief as the Court may deem just and proper.

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	U.S. Water Services Corporation
Street Address	1506 Bushy Park Rd
City and County	Goose Creek, Berkeley County
State and Zip Code	SC 29445
Telephone Number	(727) 848-8292

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (*check all that apply*):

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

Other federal law (*specify the federal law*):

Relevant state law (*specify, if known*):

South Carolina Human Affairs Law, Title 1, Chapter 13 (SCHAL)

Relevant city or county law (*specify, if known*):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

<input type="checkbox"/>	Failure to hire me.
<input checked="" type="checkbox"/>	Termination of my employment.
<input type="checkbox"/>	Failure to promote me.
<input type="checkbox"/>	Failure to accommodate my disability.
<input type="checkbox"/>	Unequal terms and conditions of my employment.
<input checked="" type="checkbox"/>	Retaliation.
<input type="checkbox"/>	Other acts (specify): _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

August 1, 2021- June 7, 2023

C. I believe that defendant(s) (check one):

<input type="checkbox"/>	is/are still committing these acts against me.
<input checked="" type="checkbox"/>	is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

<input checked="" type="checkbox"/>	race	black	_____
<input type="checkbox"/>	color	_____	
<input type="checkbox"/>	gender/sex	_____	
<input type="checkbox"/>	religion	_____	
<input type="checkbox"/>	national origin	_____	
<input type="checkbox"/>	age (year of birth)	_____	<i>(only when asserting a claim of age discrimination.)</i>
<input type="checkbox"/>	disability or perceived disability (specify disability)	_____	

E. The facts of my case are as follows. Attach additional pages if needed.

Please see Attached

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date) 09/20/2023

B. The Equal Employment Opportunity Commission (check one):

has not issued a Notice of Right to Sue letter.

issued a Notice of Right to Sue letter, which I received on (date) 05/07/2024.

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

60 days or more have elapsed.

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Please See Attached

VI. Certification and Closing

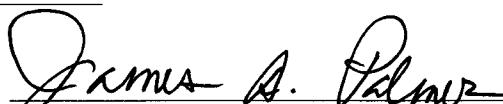
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 07/19/2023✓ Signature of Plaintiff

Printed Name of Plaintiff

James Palmer**B. For Attorneys**

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____